



Report to the Auburn City Council

Agenda Item No. 9

City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief
Date: June 13, 2011
Subject: 2010 Weed Abatement Program, Assess Tax Roll

The Issue

Shall the City of Auburn recover costs associated with the 2010 weed abatement process for private properties within the City?

Conclusions and Recommendation

Staff recommends that the City Council, by resolution, approve the 2010 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect cost assessments.

Background

The weed abatement program requires City personnel coordinate the abatement of weeds, dry grass, and or rubbish on private properties and recover costs associated with this abatement performance. Each parcel has been billed for services for a total of three (3) times resulting in non-payment each occurrence. This action is the result of such non-payment.

A total of ten (10) parcels incurred abatement costs for a total of \$15,920.00. Attached to this report is the description and charges incurred for the individual properties. This resolution will authorize the City of Auburn to assess the property owner by placing such cost directly onto the individual property owner(s) tax roll. The Placer County Auditor-Controller's Office requires this action as authorization to follow procedures to collect charges. This action by the City Council is required to proceed forward for collection.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the resolution;
2. Take no action, cost incurred for abatement will not be placed on the tax rolls and absorbed by the City of Auburn.

Fiscal Impact

The funds collected from this City Council action will reimburse the general fund for costs incurred for weed abatement process during the 2010 year. Due to processing the abatement assessment, actual reimbursement will not occur until the 2011/2012 Fiscal Year.

Attached

Weed Abatement Cost Report

**2010 Weed Abatement
Tax Roll Assessment
Cost and Fees**

Exhibit "A"

APN	SITE ADDRESS	STREET NAME	ABATEMENT COST	ADMIN FEE	TOTAL CHARGE	TAX CODE AREA	DISTRICT
004-360-002-000	1720	High Street	\$905.00	\$127.00	\$1,032.00	60700	Auburn City
004-360-001-000	1700	High Street	\$1,045.00	\$127.00	\$1,172.00	60700	Auburn City
004-100-033-000	1605	High Street	\$655.00	\$127.00	\$782.00	60700	Auburn City
004-100-020-000	1500	High Street	\$1,455.00	\$127.00	\$1,582.00	60700	Auburn City
004-360-005-000	1780	High Street	\$355.00	\$127.00	\$482.00	60700	Auburn City
001-150-015-000	267	Live Oak	\$1,015.00	\$127.00	\$1,142.00	60700	Auburn City
055-040-028-000	Vacant Lot	Maidu and Riverview	\$4,805.00	\$127.00	\$4,932.00	60700	Auburn City
004-360-008-000	420	Miles Court	\$505.00	\$127.00	\$632.00	60700	Auburn City
001-143-013-000	120	Nevada Street	\$1,255.00	\$127.00	\$1,382.00	60700	Auburn City
003-072-011-000	Vacant Lot	Foresthill Ave	\$2,655.00	\$127.00	\$2,782.00	60700	Auburn City
TOTALS			\$14,650.00	\$1,270.00	\$15,920.00		

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN CONFIRMING A REPORT ACCOUNTING THE COSTS
OF WEED ABATEMENT AND CONFIRMING AND ORDERING
THE ASSESSMENT OF SUCH COSTS**

WHEREAS, Article 2, Chapter 13, Part 2, Division 3, Title 4 of the California Government Code (Section 39500 *et. seq.*) authorizes the City Council to order the abatement of weeds, rubbish and other flammable materials upon private property and to levy an assessment against such property for the cost of such abatement; and

WHEREAS, the City Council has, by prior action after duly noticed public hearing, issued an abatement order with respect to each of the properties described in Exhibit A to this resolution (the "Parcels"); and

WHEREAS, the City has incurred abatement costs with respect to each of the Parcels that remain unpaid by the owners of the Parcels; and

WHEREAS, on the date of the adoption of this Resolution, an itemized report accounting the cost of abatement in front of or on each of the Parcels (the "Report") was submitted to this City Council; and

WHEREAS, a copy of the Report is on file in the Office of the City Clerk and incorporated herein by reference; and

1 WHEREAS, on the date of the adoption of this Resolution, the City
2 Council held a public hearing at which the owners of each of the Parcels had an
3 opportunity to present the City Council with objections to the assessments
4 described in the Report (the "Hearing"); and

5
6 WHEREAS, a copy of the Report, with a notice of the time of the Hearing
7 was posted on or near the chamber door of the City Council for least three
8 days prior to the Hearing.

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10 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**
11 **FOLLOWS:**

12 SECTION 1: The foregoing recitals are each true and correct.

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14 SECTION 2. The City Council overrules any objections and confirms the
15 Report as submitted.

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17 SECTION 3. The City Council confirms the assessments against each of
18 the parcels as shown on Exhibit A, hereto, and orders that the assessments be
19 transmitted to the County of Placer for collection at the same time and in the
20 same manner as ordinary municipal taxes.

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22 SECTION 4. The City Clerk is directed to record in the office of the County
23 Recorder notice of this order confirming the assessment.

1 PASSED, APPROVED AND ADOPTED this 13th day of June 2011.

2
3
4 _____
5 William W. Kirby, M.D., Mayor
6

7 ATTEST:

8 _____
9 Joseph G. R. Labrie, City Clerk
10

11 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
12 that the foregoing resolution was duly passed at a regular meeting of the City
13 Council of the City of Auburn held on the 13th day of June 2011 by the
14 following vote on roll call:

15 Ayes:

16 Noes:

17 Absent:

18 _____
19 Joseph G. R. Labrie, City Clerk
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RESOLUTION NO. 11-
REQUESTING COLLECTION OF CHARGES ON TAX ROLL
FOR TAX YEAR 2011-2012

TAX CODE NUMBER 60700

DIRECT CHARGE NAME WEED ABATEMENT

Whereas, the City of Auburn (hereinafter City”) requests the County of Placer collect on the County tax rolls certain charges which have been imposed pursuant to section 39574 of Government Code and Auburn Municipal Code section 95.01, and

Whereas, the County has required as a condition of the collection of said charges that the City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Council of the City of Auburn that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The City warrants and represents that the taxes, assessments, fees and/or charges imposed by the City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
3. The City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of City.
4. In consideration for the County’s collection of the charge through the County’s property tax roll, the City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the “Indemnified Parties”) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of City’s said taxes, assessments, fees and/or charges requested to be collected by County for City, or in any manner arising out of City’s establishment and imposition of said taxes, assessments, fees and/or charges. City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified

Parties as a result of the collection of one of City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of City, including property taxes.

5. The City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to City by County from any person concerning the City's taxes, assessments, fees and/or charges, and that City will not refer such persons to County officers and employees for response.
6. The City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by the City of Auburn this 13th day of June, 2011, by the following vote on roll call:

AYES

NOES

ABSENT

William W. Kirby, M.D., Mayor

ATTEST:

City Clerk